



REMARKS

Claims 1-5, 20-24, and 39-43

In the Office Action, claims 1-5, 20-24, and 39-43 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,020,883 to Herz et al. (hereinafter "Herz"). These rejections are respectfully traversed.

Claims 1-5, 20-24 and 39-43 are directed towards methods and systems for, among other things, providing program guide data according to user defined preferences using a client-server approach. As set forth in independent claims 1, 20 and 39, users are provided with an "opportunity to define user preferences" using an "interactive television program guide client implemented on user television equipment." For example, in some embodiments a user may define "user preferences" for genres, channels, actors and actresses, ratings, and other types of preference attributes (page 33, lines 9-13). The user-defined preferences are "provid[ed] ... to a program guide server," and "program guide data" is provided to the program guide client "according to the user preferences."

Herz does not disclose such an approach because, at bottom, the Herz system is not *client-server* based.¹ Herz makes clear that its program guide is implemented as a *stand alone* application. "[Display guide 914] is stored in the set top multimedia terminal...." Col. 46, lines 61-62; see Fig. 6. Also, program guide data is "downloaded ... for a given time period," and is not provided in response to requests made by a program guide client (which is the fundamental characteristic of a client-server based system). Col. 24, line 67 - col. 25, lines 1-4; see also col. 47, lines 1-5. The Herz approach therefore cannot (and does not) provide its users with opportunities to define user preferences with an interactive television program guide client, provide the user-defined preferences to a program guide server, or provide program guide data to the program guide client according to the user-defined preferences, as set forth in independent claims 1, 20 and 39.

¹ Herz discloses one-way and two-way transmission systems. The one-way transmission system clearly is not client-server based because there is no link by which a client can request data. The two-way system is also not client-server based. Although a return path exists, the path is used for providing customer profile information back to the headend -- not for providing a client-server communications path (i.e., the return path is not used by a guide client to request program guide data) (col. 42, lines 39-50).

Nothing at lines column 4, lines 14-17 and lines 44-61, which were cited by the Office action, make up for these deficiencies.

Claims 1, 20, and 39 are therefore patentable over Herz. Claims 2-5, 21-24 and 40-43 depend from claims 1, 20, and 39 and are patentable because claims 1, 20 and 39 are patentable.²

Claims 14-19, 33-38, and 52-56

The Office Action objected to an informality in claim 14. The Office Action also rejected claims 14-19, 33-38, and 52-56 under 35 U.S.C. § 103(a) as being unpatentable over Herz. The objection and rejections are respectfully traversed.

The Office Action objected to claim 14 for informalities, and suggested that the word "are" on line 11 should be replaced with "the". Applicants do not understand the suggested replacement since it would yield grammatically

² Claims 2-5, 21-24, and 40-43, which depend from claims 1, 20, and 39, respectively, include additional features that also make these claims patentable. Applicant reserves the right to argue the patentability of these claims separately should prosecution continue.

incorrect claim language. Clarification of the objection is respectfully requested.

With respect to the 35 U.S.C. § 103(a) rejections, independent claims 14, 33, and 52 are directed towards a "client-server" based program guide system for tracking a user's viewing history. In applicants' approach, a "client-server" interactive television program guide system "track[s] a user's viewing history" and "store[s] the viewing history on a program guide server." The program guide server finds programs that are "consistent with the user's viewing history." The programs found by the program guide server "that the user has not watched" are indicated on the user's television equipment by a "program guide client."

Applicants respectfully submit that the § 103 rejections fail because a *prima facie* case for obviousness has not been met. To establish a *prima facie* case for obviousness, "the prior reference (or references when combined) must teach or suggest all the claim limitations." MPEP § 2143. Herz does not disclose or suggest all of the features of applicants' claims 14-19, 33-38 and 52-56.

As stated above in connection with claims 1-5, 20-24 and 39-43, Herz does not disclose or suggest a "client-server" interactive television program guide system. Instead, Herz describes a **stand-alone** application.

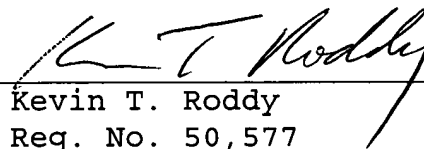
Claims 14, 33, and 52 are therefore patentable over Herz. Claims 15-19, 34-38, and 53-56 depend from claim 14, 33, and 52 and are therefore patentable because claims 14, 33, and 52 are patentable.³

³ Claims 15-19, 34-38, and 53-56, which depend from claims 14, 33, and 52, respectively, include additional features that also make these claims patentable. Applicant reserves the right to argue the patentability of these claims separately should prosecution continue.

Conclusion

The foregoing demonstrates that claims 1-5, 14-24, 33-43, and 52-56 are allowable. Therefore, this application is in condition for allowance. Reconsideration and allowance of this application is respectfully requested.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Kevin T. Roddy", is written over a horizontal line.

Kevin T. Roddy
Reg. No. 50,577
Attorney for Applicants

FISH & NEAVE
Customer No. 1473
1251 Avenue of the Americas
New York, New York 10020-1104
Tel.: (212) 596-9000
Fax: (212) 596-9090

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client

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The client part of a client-server architecture. Typically, a client is an application that runs on a personal computer or workstation and relies on a server to perform some operations. For example, an e-mail client is an application that enables you to send and receive e-mail.

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Definition for:
client/server

An architecture in which one computer can get information from another. The client is the computer that asks for access to data, software, or services. The server, which can be anything from a personal computer to a mainframe, supplies the requested data or services for the client.

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client/server

A relationship in which one computer program (the client) requests information from another computer program (the server), whereby the server responds in fulfilling the request. In terms of "client/server architecture," it is the design model for applications running on a network. The bulk of the back end processing, such as performing a physical search of a database, takes place on a server. The front end processing, which involves communicating with the user, is handled by smaller programs distributed to client workstations. In terms of a "client/server network," LAN resources are allocated so that computing power is distributed among the computers in the network, but some shared resources are centralized in a file server. With the advent of powerful individual workstations, most computers can act as both client and server in different situations; this is often described as "n-tier computing," where "n" refers to the multiple levels of clients and servers that exist. For security reasons, the client/server model requires user authentication.

See Also: distributed computing , peer-to-peer network.

NetLingo Classification: Technical Term



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